United Nations S/AC.49/2018/75

Security Council

Distr.: General
24 April 2018

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 24 April 2018 from the Permanent Mission of Sweden to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Sweden to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit herewith its implementation report pursuant to resolution 2397 (2017) (see annex).

18-06689 (E) 170518

Please recycle

Annex to the note verbale dated 24 April 2018 from the Permanent Mission of Sweden to the United Nations addressed to the Chair of the Committee

Report of Sweden on the implementation of resolution 2397 (2017)

Sweden and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in its resolution 2397 (2017), by taking the following common measures:[1]

(a) Council Implementing Decision (CFSP) 2018/16 of 8 January 2018 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which implements the designation of additional persons and one additional entity (travel ban and/or asset freeze);

(b) Council Implementing Regulation (EU) 2018/12 of 8 January 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures set out in Council Implementing Decision 2018/16;

(c) Council Decision (CFSP) 2018/293 of 26 February 2018 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which sets out the commitment of the European Union to implementing the measures contained in Security Council resolution 2397 (2017) by imposing the following measures:

(i) The European Union had already introduced a full prohibition on the export of crude oil in Council Decision (CFSP) 2017/1860, with the possibility of exemptions for exports for humanitarian purposes if approved in advance, on a case-by-case basis, by the Committee. In Council Decision (CFSP) 2018/293, it is further specified that the prohibition applies to the direct or indirect supply of all crude oil to the Democratic People's Republic of Korea, whether or not originating in the territories of the member States, including by means of pipelines, rail lines or vehicles;

(ii) The European Union had already introduced a full prohibition on the export of all refined petroleum products in Council Decision (CFSP) 2017/1860, which included a provision that the export of refined petroleum products could be authorized by the competent authority of a member State for humanitarian purposes under the conditions mentioned in paragraph 14 of Security Council resolution 2375 (2017). In Council Decision (CFSP) 2018/293, it is now further specified that the amount of refined petroleum products authorized for export to the Democratic People's Republic of Korea cannot exceed 500,000 barrels per year and that the means of export include pipelines, rail lines or vehicles;

(iii) Prohibition on importing food and agricultural products, machinery, electrical equipment, earth and stone (including magnesite and magnesia), wood and vessels;

(iv) Prohibition on the acquisition of fishing rights from the Democratic People's Republic of Korea;

(v) Prohibition on exporting all industrial machinery, transportation vehicles, iron, steel and other metals, unless it has been determined by a member State

[1] All common measures are published in the *Official Journal of the European Union*.

that the provision of spare parts is needed to maintain the safe operation of passenger aircraft of the Democratic People's Republic of Korea;

(vi) Obligation to repatriate to the Democratic People's Republic of Korea immediately, and no later than 21 December 2019, all nationals of that country earning income in the jurisdiction of a member State and all government safety oversight attachés of the Democratic People's Republic of Korea who are monitoring its workers abroad, unless certain exceptions apply, subject to applicable national and international law;

(vii) Obligation for member States to seize, inspect and impound any vessel in their ports and the power to seize, inspect and impound any vessel subject to their jurisdiction in their territorial waters where there are reasonable grounds to believe that the vessel has been involved in activities, or in the transport of items, prohibited by the Security Council in its various resolutions on the Democratic People's Republic of Korea. Under certain conditions, the provisions for the impounding of vessels shall cease to apply;

(viii) Obligation to cooperate as promptly as possible with another State which has information that leads it to suspect that the Democratic People's Republic of Korea is attempting to export illicit cargo and where that other State requests additional maritime and shipping information;

(ix) Prohibition on providing insurance or reinsurance services to vessels identified as being involved in activities, or in the transport of items, prohibited by the Security Council in its various resolutions on the Democratic People's Republic of Korea, unless the Committee has determined, on a case-by-case basis, that the vessel is engaged in activities only for livelihood or humanitarian purposes;

(x) Obligation to deregister any vessel where there are reasonable grounds to believe that the vessel has been involved in activities, or in the transport of items, prohibited by the Security Council in its various resolutions on the Democratic People's Republic of Korea;

(xi) Prohibition on providing classification services to vessels identified as being involved in activities, or in the transport of items, prohibited by the Security Council in its various resolutions on the Democratic People's Republic of Korea, unless approved in advance by the Committee on a case-by-case basis;

(xii) Prohibition on registering any vessel that has been deregistered by another State unless approved by the Committee in advance on a case-by-case basis;

(xiii) The prohibition on exporting new or used vessels had already been introduced in Council Decision (CFSP) 2017/345;

(xiv) Obligation to seize and dispose of items the export of which is prohibited under resolution 2397 (2017);

(xv) Prohibition on satisfying any claim in connection with any contract or transaction the performance of which has been affected by the measures set out in resolution 2397 (2017);

(d) Council Regulation (EU) 2018/285 of 26 February 2018 amending Council Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures set out in Council Decision (CFSP) 2018/293.

The above-mentioned Council regulations are binding in their entirety and directly applicable in all States members of the European Union. Council Regulation (EU) 2017/1509 requires member States to determine the penalties applicable to

infringements of their provisions. The penalties determined by Sweden are set out in the Act (1996:95) on Certain International Sanctions.

Sweden has adopted the Military Equipment Act (1992:1300), under which it requires an export authorization for the sale, supply, transfer or export of arms and related materiel[2] to third countries and an authorization for the provision of brokering services and other services related to military activities. Act (1992:1300) and Council Decision (CFSP) 2016/849 provide the basis for the enforcement of the arms embargo against the Democratic People's Republic of Korea and the ban on related brokering services.

In addition, Sweden has adopted the Decree (2011:67) on Certain Sanctions against the Democratic People's Republic of Korea, under which it prohibits the sale, supply, transfer or export of arms and related materiel,[2] as well as the provision of brokering services and other services related to military activities, to the Democratic People's Republic of Korea.

As regards restrictions on admission (visa ban), the general legislation of Sweden concerning aliens, together with Council Decision (CFSP) 2016/849 and Regulation (EC) No 539/2001,[3] provides the basis for the refusal of admission and the denial of requests for a visa.

At the national level, the relevant Swedish authorities have taken the steps necessary to implement the restrictive measures imposed by the above legislation.

As regards the investigation of a Swedish company referred to in the final report of the Panel of Experts submitted pursuant to resolution 2345 (2017) (see S/2018/171, annex), no such company appears in the official register of companies at the competent Swedish authority (Bolagsverket, or the Swedish Companies Registration Office), nor is such a company registered with the Swedish tax authorities.

---

[2] This legislation applies to all goods included in the Common Military List of the European Union.

[3] Regulation (EC) No. 539/2001 applies neither to Ireland nor to the United Kingdom of Great Britain and Northern Ireland.